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January 19, 2024

VIA ECF

Honorable Robyn F. Tarnofsky
United States Magistrate Judge
U.S. District Court
500 Pearl Street, Room 703
New York, NY 10007

Re: *Parker v. Bursor et al.*, Case No. 24-cv-245 (JGLC) (RFT)

Dear Magistrate Judge Tarnofsky:

I represent Defendants Scott Bursor and Bursor & Fisher, P.A. in the above-referenced action.

As directed by Your Honor's Order, dated January 19, 2024 (Doc. No. 10), I am filing the email which I sent to Your Honor yesterday as a letter to be filed on the ECF public docket. I note that this letter will be immediately followed by a letter motion, pursuant to Section III(E) of Your Honor's Individual Practices in Civil Cases, seeking permission for Defendants to file a motion for a Preliminary Injunction and Temporary Restraining Order under seal.

My January 18, 2024 email to Your Honor stated:

Due to the sensitive nature of the sealing issue presented here, I am writing this letter requesting that the Court grant the parties' the opportunity to appear before Your Honor (either in person or by Zoom/Teams) at the Court's earliest convenience for argument on Defendants' motion for a Temporary Restraining Order.

On January 17, 2024, in accordance with her Individual Practices, I sent Judge Clarke an email alerting the Court that Defendants were ready to file a motion for a Preliminary Injunction and Temporary Restraining Order requiring Plaintiff to file her Complaint under seal. No Complaint has yet been filed in this case because Defendants removed it from the Supreme Court

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of the State of New York, County of New York based upon Plaintiff's filing of a Summons with Notice.

Following Judge Clarke's referral of this case to Your Honor (Doc. No. 6), her Chambers directed me to file my January 17, 2024 email to her on ECF as a letter. While Judge Clarke did not explicitly state that the letter should be filed under seal, I did so because my original email was, as per Judge Clarke's Individual Practices, submitted *ex parte*. Moreover, the email to Judge Clarke explicitly stated that I had not copied Plaintiff on it, and Judge Clarke did not require me to serve it upon her as a *pro se* party.

Most importantly, if my email (now letter) to Judge Clarke were filed on the public ECF docket, Defendants would suffer the very irreparable injury which they seek to avoid by their sealing motion.

I note that, yesterday, Plaintiff finally responded to me and informed me that she objects to the entry of a TRO. As such, I request an opportunity to be heard as soon as possible because Plaintiff could at any time file her Complaint on the public docket through the *Pro Se* Intake Unit and Defendants, as well as innocent third parties, would suffer incalculable and devastating harm.

Respectfully yours,

/s/ Judd Burstein

Judd Burstein

cc: Angelica Parker, Plaintiff *pro se* (via USPS)